

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

|   |   |                                |
|---|---|--------------------------------|
| JOHN DOE                                    | ) |                                |
|   | ) |                                |
| Plaintiff,                                  | ) |                                |
|   | ) |                                |
| v.  | ) |                                |
|   | ) |                                |
| VIRGINIA POLYTECHNIC INSTITUTE              | ) |                                |
| AND STATE UNIVERSITY,                       | ) | Civil Action No. 7:21-cv-00645 |
|   | ) |                                |
| TIMOTHY SANDS, employee of Virginia         | ) |                                |
| Polytechnic Institute and State University, | ) |                                |
| sued in his official capacity               | ) |                                |
|   | ) |                                |
|   | ) |                                |
| Defendants.                                 | ) |                                |

**PLAINTIFF'S MOTION TO RECONSIDER AND VACATE COURT'S ORDER TO  
DENY TEMPORARY RESTAINING ORDER AND PRELIMINARY INJUNCTION**

COMES NOW the Plaintiff John Doe, by counsel, and moves the Court to reconsider and vacate its Order denying Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, and states as follows:

1. On December 27, 2021, Plaintiff filed his Complaint.
2. With it, he also filed a Motion to Proceed by Pseudonym and Motion for a Temporary Restraining Order and Preliminary Injunction.
3. Plaintiff did not intend to proceed *ex parte* on the TRO motion or bring it for a hearing until the Defendants could be served and counsel could all coordinate a hearing.
4. Rather, Plaintiff planned to serve the Complaint, the Motion to Proceed by Pseudonym, and Motion for a Temporary Restraining Order and Preliminary Injunction, on

Defendants Virginia Tech and Timothy Sands, and to coordinate a hearing with the Court on the motions in mid-January, after counsel for Virginia Tech returned from their holiday break.

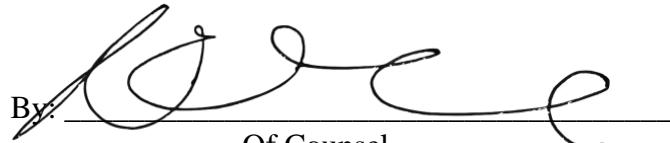
5. Counsel for Plaintiff and university counsel for Defendants have litigated many similar cases together in this Court, and the practice of the parties has been set the matter for a hearing once the pleadings are served and the parties could coordinate a date, at which time the parties would present evidence and testimony on the TRO motion. *See, e.g. Brown v. Virginia Tech, 7:20-cv-00065-MFU; Gunther v. Virginia Tech, 7:20-cv-00209-MFU; Doe v. Virginia Tech, 7:20-cv-00210-MFU; Williams v. Virginia Tech, Case No. 7:20-cv-0211-MFU; Doe v. Virginia Tech, Case No. 7:21-00378-MFU; Doe v. Virginia Tech, 7:20-cv-00440-MFU.*

6. Plaintiff respectfully asks the Court to please vacate its order at this time of the TRO motion, to allow time to serve the pleadings and bring this matter for a hearing.

December 30, 2021

Respectfully submitted,

JOHN DOE



By: \_\_\_\_\_  
Of Counsel

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